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Security Council

Sixty-sixth year

Provisional

6491st meeting

Saturday, 26 February 2011, 8 p.m.

New York

President:	Mrs. Viotti	(Brazil)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	China	Mr. Li Baodong
	Colombia	Mr. Osorio
	France	Mr. Araud
	Gabon	Mr. Moungara Moussotsi
	Germany	Mr. Wittig
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mrs. Ogwu
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

Peace and security in Africa

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The meeting was called to order at 8.10 p.m.

Adoption of the agenda

The agenda was adopted.

Peace and security in Africa

The President: Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representative of the Libyan Arab Jamahiriya to participate in this meeting.

I wish to welcome the presence at this meeting of the Secretary-General, His Excellency Mr. Ban Ki-moon.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2011/95, which contains the text of a draft resolution submitted by Bosnia and Herzegovina, Colombia, France, Gabon, Germany, Lebanon, Nigeria, Portugal, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1970 (2011).

I shall now give the floor to members who wish to make statements following the voting.

Sir Mark Lyall Grant (United Kingdom): The British Government welcomes the unanimous adoption of Security Council resolution 1970 (2011). The United Kingdom presented the text of this resolution because of our grave concern about the appalling situation in Libya. The violence we have seen and the incitement to further violence by Colonel Al-Qadhafi are totally unacceptable, and my Government has expressed its profound condemnation of them.

Today's resolution demands an immediate end to violence and repression, full respect for human rights and international law, and accountability for those responsible for the violence. It gives practical effect to those demands through travel bans, asset freezes, an arms embargo and immediate referral to the International Criminal Court.

The adoption of resolution 1970 (2011) by all 15 members of the Council is a powerful signal of the determination of the international community to stand with the people of Libya and defend their right to determine their own future.

Mr. Hardeep Singh Puri (India): I take the floor to state that India has been following with serious concern the developments in Libya, which have resulted in the loss of numerous lives and injuries to many more. We deplore the use of force, which is totally unacceptable. We earnestly hope that calm and stability will be restored at the earliest without any further violence.

We also have concerns about the safety of Indian nationals and their assets in Libya. We urge the authorities there to ensure their safety and welfare and facilitate the departure of those desirous of leaving the country.

India is not a member of the International Criminal Court. Of the 192 Members of the United Nations, only 114 are members of the International Criminal Court. Five of the 15 members of the Council, including three permanent members, are not parties to the Rome Statute. Moreover, we would have preferred a calibrated and gradual approach. However, we note that several members of the Council, including our colleagues from Africa and the Middle East, believe that referral to the Court would have the effect of an immediate cessation of violence and the restoration of calm and stability. The letter from the Permanent Representative of Libya of 26 February addressed to you, Madame President, has called for such a referral and strengthened this view. We have therefore gone along with the consensus in the Council.

In this context, we draw attention to paragraph 6 of the resolution, concerning national from countries not parties to the Rome Statute. Similarly, in its preambular portion, the resolution also recalls article 16

of the Rome Statute, under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after the Security Council request to that effect.

Mr. Sangqu (South Africa): South Africa remains deeply concerned at the deteriorating situation in Libya, which has resulted in untold atrocities and countless loss in civilian lives. The Libyan people, joined by the rest of the international community, have been calling for an end to this indiscriminate use of force. Echoing that call, the Libyan delegation, appearing before the Council yesterday, pleaded for "a swift, decisive and courageous resolution" to put an end to the bloodshed and killing of innocent people" (*see S/PV.6490*). The Council has responded swiftly and resolutely to that call.

This unanimous resolution sends a clear and unambiguous message to the Libyan authorities to end the carnage against their people. Further, it complements the decision of the African Union Peace and Security Council, which strongly condemned the indiscriminate and excessive use of force against peaceful protesters and called upon the Libyan authorities to end forthwith all acts of violence, in accordance with international humanitarian and human rights law.

We are confident that the measures contained in this resolution will contribute to the long-term objective of bringing peace and stability to this sisterly nation. South Africa calls on the Government and people of Libya to seek a speedy and peaceful resolution to the current crisis, in accordance with the will of the Libyan people.

Mrs. Ogwu (Nigeria): We are indeed glad to have arrived at a decision point on the situation in Libya. Nigeria remains deeply concerned about the escalating violence, the inflammatory rhetoric and the deplorable loss of life we are witnessing in Libya. The African Union, the Organization of the Islamic Conference and the League of Arab States have all condemned the disproportionate use of force against civilians in Libya and have called for the immediate cessation of such violence.

It is therefore fitting that the Security Council has taken decisive action today to address the crisis. We support the package of sanctions in the resolution to the extent that their impact is targeted and does not exacerbate the burden upon Libyan citizens. We have taken into consideration the letter dated today from the Permanent Representative of Libya supporting the measures as we have proposed. We are further persuaded by the cries for help of the Libyan people.

In response to these calls for action, the comprehensive sanctions will deter individuals from supporting or otherwise assisting the regime. Moreover, the terms of the resolution will isolate those currently planning, coordinating and directing the atrocities.

Nigeria is satisfied that the resolution provides for the protection of civilians and respect for international humanitarian and human rights law. We believe that the full implementation of these measures will swiftly and effectively address the ongoing crisis.

Ms. Rice (United States of America): When atrocities are committed against innocents, the international community must speak with one voice and today, it has. Tonight, acting under Chapter VII, the Security Council has come together to condemn the violence, pursue accountability and adopt biting sanctions targeting Libya's unrepentant leadership. This is a clear warning to the Libyan Government that it must stop the killing. Those who slaughter civilians will be held personally accountable. The international community will not tolerate violence of any sort against the Libyan people by their Government or security forces.

Resolution 1970 (2011) is a strong resolution. It includes a travel ban and an assets freeze for key Libyan leaders. It imposes a complete arms embargo on Libya. It takes new steps against the use of mercenaries by the Libyan Government to attack its own people. And, for the first time ever, the Security Council has unanimously referred an egregious human rights situation to the International Criminal Court.

As President Obama said today, when a leader's only means of staying in power is to use mass violence against its own people, he has lost the legitimacy to rule and needs to do what is right for his country, by leaving now.

The protests in Libya are being driven by the people of Libya. This is about people's ability to shape their own future, wherever they may be. It is about human rights and fundamental freedoms. The Security Council has acted today to support the Libyan people's universal rights. These rights are not negotiable. They

cannot be denied. Libya's leaders will be held accountable for violating these rights and for failing to meet their most basic responsibilities to their people.

Mr. Salam (Lebanon) (*spoke in Arabic*): The Council of the League of Arab States held an emergency meeting on 22 February to discuss the situation in the Libyan Arab Jamahiriya. At the conclusion of that meeting, the Council denounced the crimes committed against the peaceful popular protests and demonstrations taking place in several Libyan cities and in the capital, Tripoli. It also expressed its profound condemnation of the acts of violence committed against civilians, especially the use of foreign mercenaries, live ammunition, heavy weapons and other methods against the demonstrators, all of which are grave violations of human rights and international humanitarian law.

The Council also called for an immediate halt to all acts of violence, a resort to national dialogue, a response to the legitimate demands of the Libyan people and respect for their rights to demonstrate and exercise their freedom of expression, so as to prevent further bloodshed, preserve peace, the territorial integrity of Libya and civil order and ensure the safety of Libyan citizens.

When the Libyan authorities did not respond to that call, Lebanon decided — in line with the Arab consensus, the African Union statement of 23 February and the position of the Secretary General of the Organization of the Islamic Conference — to vote in favour of this resolution.

On this occasion, as we did at the headquarters of the League of Arab States, Lebanon would like to reaffirm the importance of defending Libya's territorial integrity and the unity of its people. Lebanon proudly salutes those who were martyred while exercising their freedom of expression in Libya. We also express our deep condolences for the hundreds killed and thousands injured among the Arab Libyan people.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The Russian Federation supported Security Council resolution 1970 (2011) because of our serious concern over the events taking place in Libya. We sincerely regret the many lives lost among the civilian population. We condemn the use of military force against peaceful demonstrators and all other manifestations of violence and consider them absolutely unacceptable. We call for an immediate end to such actions.

We exhort the Libyan authorities to comply with the demands of the international community, including the League of Arab States and the African Union, which demands have received the support of the Security Council. This is necessary in order to prevent a full-scale civil war and to preserve Libya as a united, sovereign State with territorial integrity.

All the parties involved must show restraint and observe the norms of international civil and human rights law. Reliable security must be ensured for those foreigners who remain in Libya, including Russian citizens, and conditions for their safe return home must be established.

A settlement of the situation in Libya is possible only through political means. In fact, that is the purpose of the resolution adopted by the Council, which imposes targeted, clearly expressed, restrictive measures with regard to those guilty of violence against the civilian population. However, it does not enjoin sanctions, even indirect, for forceful interference in Libya's affairs, which could make the situation worse.

Russia, in cooperation with international and regional partners, will continue actively to help the friendly people of Libya to find a peaceful way out of the current crisis.

Mr. Li Baodong (China) (*spoke in Chinese*): China is deeply concerned over the turbulent situation in Libya. In our view, it is of the greatest urgency to secure the immediate cessation of violence, avoid further bloodshed and civilian casualties, restore stability and normal order as soon as possible, and resolve the current crisis through peaceful means, such as dialogue. The safety and interests of foreign nationals in Libya must be assured throughout this process.

Taking into consideration the special situation in Libya at this time and the concerns and views of the Arab and African countries, the Chinese delegation voted in favour of resolution 1970 (2011), which the Council just adopted.

Mr. Osorio (Colombia) (*spoke in Spanish*): I would like to express to the Security Council the satisfaction of the Government of Colombia with resolution 1970 (2011), which the Council has just

adopted — the result of a timely and responsible consultation process in keeping with the sense of urgency that the situation and the international community demand. Unanimously and with determination, the Council has conveyed a firm and blunt message: the violence must cease and those responsible for attacks against the population must answer for their crimes. Thus the decision to refer the situation to the International Criminal Court (ICC) is most appropriate.

We have followed the escalation of the violence and repression of the population with concern. Colombia reiterates the urgency of stopping them and demands that the Libyan authorities strictly comply with their international obligations and with international human rights law.

We unequivocally reject the calls for violence from official sectors and condemn the violations of the human rights and fundamental freedoms of the Libyan people. The State must assume its primary responsibility to guarantee the security and the rights of its citizens, including the rights to life, freedom of expression and peaceful assembly.

My country has maintained a firm and coherent position in all forums where this situation has been examined. We co-sponsored Human Rights Council resolution A/HRC/S-15/2, which established an international commission of inquiry into the violations in Libya and recommended suspension of that country's membership. Additionally, we co-sponsored the resolution that submits that recommendation to the General Assembly for consideration.

Libya must find ways to respond effectively to the legitimate aspirations of its people in the search for a more just and equitable society, in which its citizens can freely exercise their fundamental rights and freedoms. Reconciliation will require the establishment of responsibility, confronting impunity and ensuring that those who commit or have committed crimes against humanity are brought to justice. The international community must remain united and continue taking measures leading to stopping the violations that the executioners of the Libyan people ruthlessly commit.

Mr. Moraes Cabral (Portugal): Portugal welcomes the adoption of resolution 1970 (2011). It particularly welcomes the fact that it was adopted unanimously. The Council thus was united in sending a clear, swift and strong message to the perpetrators of heinous crimes taking place in Libya.

Portugal calls for an immediate cessation of violence in Libya. The killing of civilians and intolerable abuses of human rights must cease forthwith. We are deeply concerned with the plight of the increasing number of refugees, and we consider that humanitarian assistance must be allowed without hindrance.

The basic freedoms of the Libyan people must be respected and guaranteed. The safety of foreign nationals must be assured as well as the safe exit of those who wish to leave the country. Finally, impunity will not be tolerated, and the perpetrators of these crimes against civilians will be prosecuted.

Mr. Araud (France) (*spoke in French*): Yesterday the Permanent Representative of Libya made to this Council a moving appeal for assistance. France welcomes the fact that the Council has today unanimously and forcefully responded to that appeal.

In the face of the continued brutal and bloody repression and the threatening statements made by the Libyan leadership, the Security Council has reiterated its demand for an immediate stop to the use of force against the civilian population. As the High Commissioner for Human Rights said, and as recalled in resolution 1970 (2011), crimes against humanity may be being committed in Libya. That is why we have decided to refer the matter to the Prosecutor of the International Criminal Court so that he can initiate an investigation and so that the Court might judge thee principals responsible for crimes. Today, faced with the atrocities we have seen, impunity is no longer an option. The International Criminal Court in this matter once again finds justification for its existence.

We have also decided to impose an embargo on arms — the arms that President Al-Qadhafi has chosen to turn against his own people. We have, finally, decided to sanction the individuals who are at the head of a regime that has chosen to commit atrocities.

The text, unanimously adopted today, recalls the responsibility of each State to protect its own population and of the international community to intervene when States fail in their duty. We hope that the responsible parties of the Libyan regime will hear the message of the international community and put an end to the unacceptable violence committed against

their own people, who have the right to democracy, freedom and justice.

A wind of liberty has arisen south of the Mediterranean. The Security Council had to meet this date with history on the side of the Libyan people. That is the historic significance of the vote this evening — a vote that we hope will open, beyond Libya, a new era for the international community as a whole.

Mr. Wittig (Germany): Germany welcomes the Council's swift and decisive action. We are particularly pleased that the Council is acting in unity.

Today the Council has sent out a clear and strong message. The international community will not tolerate the gross and systematic violation of human rights by the Libyan regime. That is what we owe to the Libyan people, and that is why we imposed sanctions on the Libyan leadership. The unanimous referral of the situation in Libya to the International Criminal Court demonstrates our resolve not to allow impunity.

This is a clear warning to those who perpetrate systematic attacks against their civilian population that they will be held accountable. It should be clear to everyone that the Council will continue to follow the situation in Libya very closely.

Mr. Barbalić (Bosnia and Herzegovina): Unfortunately, we have reached the point where time is of the utmost importance. As we speak, the lives of Libyan citizens are being threatened or even taken. Therefore, we consider that the Security Council had to react unanimously and urgently by imposing appropriate measures to ensure the end of violence and to prevent further escalation or spillover effects. We consider that resolution 1970 (2011) will contribute to strengthening international peace and security.

We have been closely following the enthusiasm of the Libyan people, expressed through peaceful demonstrations, and, in their aftermath, have heard with compassion of the deaths of at least a thousand people. We wish to express our sincere sympathy to the families who have lost their loved ones in the past turbulent days.

Bosnia and Herzegovina is appalled by the unacceptable level of violence against Libyan civilians. We condemn in the strongest possible terms the violations of human rights and international humanitarian law. We stand by our position that the perpetrators of such crimes must be held accountable. Thus we fully support the decision to refer the situation in Libya to the Prosecutor of the International Criminal Court, and we urge the Libyan authorities to cooperate with the Court and the Prosecutor.

Bosnia and Herzegovina calls for an immediate stop to the violence. We urge the Libyan authorities to refrain from any military or other violent attempt to resolve the ongoing unrest but rather to seek through Libyan-led dialogue ways to meet the aspirations and demands of the people.

Another extremely urgent matter is the humanitarian aspect of the crisis. Bosnia and Herzegovina is worried by information about the flow of refugees fleeing the violence in their country and about a considerable number of internally displaced persons. We call upon the authorities of Libya to enable humanitarian organizations to address the food scarcity and medical supply shortage and to provide for basic needs and services to the citizens of Libya.

Finally, we reiterate our call on the Libyan authorities to ensure that all measures have been taken to fully protect citizens of Bosnia and Herzegovina, as well as other foreign nationals residing in Libya.

Mr. Moungara Moussotsi (Gabon) (*spoke in French*): The situation in Libya for almost two weeks required an answer and a clear and strong message from the Security Council, in accordance with the responsibility entrusted to it by the Charter of our Organization. That is why Gabon has voted with the other members of the Council, not only to condemn the killing of peaceful demonstrators but to make the Libyan regime aware of the consequences of such actions.

Gabon is ready to associate itself with other measures that the international community may adopt to protect innocent lives in Libya and to ensure the legitimate rights of the Libyan people to free speech and peace in their country.

The President: I shall now make a statement in my capacity as the representative of Brazil.

Brazil voted in favour of the resolution 1970 (2011). We are deeply disturbed by the dramatic situation in Libya. The level of violence against the civilian population is totally unacceptable. The Government of Brazil has publicly and firmly condemned the use of violence and called on the authorities in Libya to uphold and protect the right of

free expression of the protesters, as well as to seek a solution to the crisis through dialogue. The measures we are adopting today are meant to halt violence, ensure the protection of the civilian population and promote respect for international law.

By adopting this resolution as a matter of urgency, the Security Council has sent a clear signal of its readiness to respond to the situation in Libya in a manner consistent with its responsibilities. In our deliberations today, Brazil paid due regard to the views expressed by the League of Arab States and the African Union, as well as to the requests made by the Permanent Mission of Libya to the United Nations. Brazil also had in mind the need to ensure the safety of all foreign nationals, including those who are still on the ground and wish to leave the country.

Brazil is a long-standing supporter of the integrity and universality of the Rome Statute. We oppose the exemption from jurisdiction of nationals of those countries not parties to the Rome Statute. In the face of the gravity of the situation in Libya and the urgent need for the Council to send a strong, unified message, my delegation supported this resolution. However, we express our strong reservation concerning paragraph 6. We reiterate our conviction that initiatives aimed at establishing exemptions of certain categories of individuals from the jurisdiction of the International Criminal Court are not helpful to advancing the cause of justice and accountability and will not contribute to strengthening the role of the Court.

Brazil hopes that this resolution can contribute to bringing an end to the violence in Libya, so that the country can quickly find a solution to the crisis through dialogue and reconciliation. Continued engagement on the part of the international community will be essential to ensuring that the bloodshed stops definitively and that stability returns to Libya.

I now resume my functions as President of the Council.

I give the floor to the representative of the Libyan Arab Jamahiriya.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, I should like to express our most sincere condolences over the thousands of martyrs who have fallen under the repression of the Libyan regime since 15 February and before, especially those who died at Abu Salim prison 1996. I would also like to thank you, Madame President, and all the members of the Council for having unanimously adopted resolution 1970 (2011).

The Tripoli regime no longer has any legitimacy. It goes without saying that this resolution represents strong moral support for our steadfast people, who are resisting the onslaught of firepower launched against them by the butcher of Tripoli. This is a crucial, landmark decision by the international community against the backdrop of the carnage we are witnessing today in Libya. It is a sincere attempt to protect civilians.

This resolution will send a signal for a definitive end to the fascist regime that is still in place in Tripoli. I would like to take this opportunity to launch a sincere fraternal appeal to all the officers in the armed forces in Libya to side with their own people and immediately renounce their support for Al-Qadhafi — that criminal leader — and no longer participate in these crimes and murders. This is a leader who loves no one but himself and who is prepared to take all necessary steps to continue this repression against his own people. I would also like to appeal to my brothers, the Libyan officers: the leader is himself soon going to abandon you — unless you first take the right decision now.

The Libyan people are known for their tolerance. The most important thing for the people at this stage is to put an end to this regime. Our people are not seeking, and will not seek, vengeance. Our people are aware of the very difficult repression they have to face. We know how people's money is used to kill people. I launch an appeal to the sons of Libya to help our youth to restore Libya to the Libyans. It is our duty to work to restore our State to our people, and there is no doubt that this will happen very soon.

I am pleased that the Security Council will refer this matter to the International Criminal Court to investigate the crimes committed in Libya since 15 February. I am also pleased with regard to the positive interaction of the members of the Council and their response to these incidents. I am pleased that sanctions are not being imposed against those who ultimately decided to abandon the regime of Colonel Al-Qadhafi. Here, I would like to thank the officer Ahmad Qadhdhaf al-Damm. I ask other officers like him to take the same decision so that they will one day not be tried by the International Criminal Court.

I would like to thank the Council once again. I hope that my people will soon be able to realize their dream of liberty and an end to this dictatorial regime.

The President: I now give the floor to His Excellency Secretary-General Ban Ki-moon.

The Secretary-General: Let me express my appreciation to the Security Council for its work today.

I welcome resolution 1970 (2011), which the Council has just adopted unanimously. While it cannot by itself end the violence and the repression, it is a vital step and a clear expression of the will of a united community of nations.

The actions taken by the regime in Libya are clear-cut violations of all norms governing international behaviour, and serious transgressions of international human rights and humanitarian law. They are unacceptable. It is of great importance that the Council, in response, has reached a consensus and is determined to uphold its responsibilities for the maintenance of international peace and security.

When I addressed the Council yesterday (see S/PV.6490), I noted that fundamental issues of peace and stability were at stake across the Arab world and that our collective challenge was how to provide real protection and halt the ongoing violence. I urged the Council to consider all options for action. It has now done so in a wide-ranging resolution. The text sends a strong message that gross violations of basic human rights will not be tolerated and that those responsible for grave crimes will be held accountable. I hope the message is heard and heeded by the regime in Libya. I hope it will also bring hope and relief to those still at risk.

The sanctions that the Council has imposed are a necessary step to speed the transition to a new system of governance that will have the consent and participation of the people. For my part, I will continue to monitor the situation closely and remain in close touch with world and regional leaders to ensure their support for swift and concrete international action.

I would like to take this opportunity to express my solidarity with the people of Libya as they brave the bloodshed and as they cope with possible shortages of food and medical supplies and other humanitarian impacts. As the Libyan people take their destiny into their hands, as is their right, I hope that the new future for which they yearn — peaceful, prosperous and democratic — will soon be theirs.

I commend the Security Council for its decisive action today. In the days ahead, we will look for similarly decisive steps from the General Assembly and the international community as a whole. Today's measures are tough. In the coming days, if needed, even bolder action may become necessary.

The President: I thank the Secretary-General for his statement.

There are no more speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 8.55 p.m.